

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

United States of America,

Plaintiff,

Case No. 17-20547

v.

Judith E. Levy

United States District Judge

Ernestine Hogue,

Mag. Judge Anthony P. Patti

Defendant.

_____/

**ORDER GRANTING DEFENDANT'S REQUEST FOR
PERMISSION TO FILE AN EXHIBIT UNDER SEAL [84]**

Before the court is Defendant's motion to seal Exhibit A to her request for a downward variance sentence. (ECF No. 84.) For the reasons set forth below, Defendant's motion is granted.

Eastern District of Michigan Local Rule 5.3 governs material filed under seal.¹ "There is a strong presumption in favor of open judicial records." *Shane Grp., Inc. v. Blue Cross Blue Shield of Mich.*, 825 F.3d

¹ Local Rule 5.3 applies in civil and criminal actions. See Local Rule 1.1(c); Local Criminal Rule 1.1.

299, 305 (6th Cir. 2016). A request for a seal must be “narrowly tailored . . . in accord with applicable law.” E.D. Mich. LR 5.3(b)(2).

The Court may grant a motion to seal “only upon a finding of a compelling reason why certain documents or portions thereof should be sealed.” *Id.* at (b)(3)(B)(i). Even if no party objects to a motion to seal, the “district court that chooses to seal court records must set forth specific findings and conclusions ‘which justify nondisclosure to the public.’” *Shane Group*, 925 F.3d at 306 (citing *Brown & Williamson Tobacco Corp. v. F.T.C.*, 710 F.2d 1165, 1176 (6th Cir. 1983)).

Defendant asks to seal Exhibit A, which is Jessa Dmytryszyn, MS, LLP’s report of her psychological evaluation of Defendant. Having reviewed the sealed copy of the relevant documents provided by Defendant under Eastern District of Michigan Local Rule 5.3(b)(3)(A)(vi) (ECF No. 85), the Court finds that the documents contain sensitive medical information that is appropriate for sealing. Defendant does not identify compelling interests that support public access to these documents, and the Court is not aware of any that outweigh the interests favoring nondisclosure. The Court also finds that the sealing proposed by

Defendant is not broader than necessary. As such, Defendant's request to seal Exhibit A is GRANTED.

IT IS SO ORDERED.

Dated: April 7, 2025
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or first-class U.S. mail addresses disclosed on the Notice of Electronic Filing on April 7, 2025.

s/William Barkholz
WILLIAM BARKHOLZ
Case Manager